

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

HERI AUM, LLC, d/b/a	)	
FAIRFIELD, INN AND SUITES,	)	
	)	
Plaintiffs,	)	CIVIL FILE
	)	
v.	)	ACTION NO.
	)	
HOME-OWNERS INSURANCE	)	
COMPANY,	)	
a foreign corporation,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

COMES NOW, Home-Owners Insurance Company, Defendant in the above referenced matter, and within the time prescribed by law, files this Notice of Removal, respectfully showing the Court the following facts:

1.

Plaintiff Heri Aum, LLC, d/b/a Fairfield Inn and Suites (hereinafter “Plaintiffs”) filed suit against Defendant in the Superior Court of Gwinnett County, which is a county within the Atlanta Division of this Court. This suit is styled as above and numbered Civil Action File No. 23-A-00238-5 in that Court.

2.

Suit was initiated by the Plaintiff on January 11, 2023, in the Superior Court of Gwinnett County. Plaintiff served Defendant on January 13, 2023. Defendant shows that this Notice of Removal is filed within thirty (30) days from the date of service of said suit on Defendant. Therefore, removal is timely pursuant to 28 U.S.C. § 1446(b).

3.

Plaintiff is a corporation organized under the laws of the State of South Carolina, with its principal place of business in the State of South Carolina. See, Complaint ¶ 1.

4.

Defendant Home-Owners Insurance Company is a corporation organized under the laws of the State of Michigan, with its principal place of business in the State of Michigan and is not a citizen of the State of Georgia. Defendant Home-Owners was not a citizen of the State of Georgia on the date of filing this action and has not been thereafter.

5.

Complete diversity exists between Plaintiff and Defendant in accordance with 28 U.S.C. § 1332(a)(1).

6.

This action is a civil action between citizens of different states where the controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. Plaintiff expressly alleges in its Complaint that it is entitled to all damages to its Property and any resulting expenses and temporary repairs in the amount of \$140,741.50. See, Complaint ¶ 17. Given the statements of Plaintiff regarding the value of its claim and the amount it contends it is entitled to recover, the amount in dispute in this matter will exceed the jurisdictional requirement of \$75,000.00.

7.

This Court is authorized to include attorneys' fees in determining the amount in controversy for removal purposes where those fees are allowed by statute. Hall v. Travelers Ins. Co., 691 F. Supp. 1406, 1409 (N.D. Ga. 1988) ("Where, as here, attorney's fees are allowable by applicable law, they may be included in assessing the jurisdictional amount in controversy.") (citing Vacca v. Meetze, 499 F. Supp. 1089, 1091 (S.D. Ga. 1981)), *vacated on other grounds*, Hall v. Travelers Ins. Co., 691 F. Supp. 1406, 1411 (N.D. Ga. 1988). To that end, the Court is authorized to assign a "reasonable amount" of attorneys' fees in assessing the amount in controversy. Morrison v. Allstate Indem. Co., 228 F.3d 1255, 1265 (11th Cir.

2000)(“When a statute authorizes the recovery of attorney's fees, *a reasonable amount of those fees is included in the amount in controversy.*”) (emphasis added).

8.

In light of the foregoing, the amount in controversy for this matter exceeds the jurisdictional requirement for removal of \$75,000.00.

9.

This case is a civil action that may be removed to this Court pursuant to 28 U.S.C. § 1441. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) and (b) as there is complete diversity of citizenship between Plaintiff and Defendant and, as shown above, the amount in controversy exceeds \$75,000.00. Further, as required by 28 U.S.C. § 1441(b), Defendant is not a citizen of the State of Georgia.

10.

Defendant has attached hereto copies of all process, pleadings, and orders served upon it in this case prior to the date of this Notice of Removal. Such copies are attached hereto as **Exhibit A**.

11.

Defendant has given written notice of the filing of this Notice of Removal to Plaintiff by notifying its attorney of record, Remington Huggins, Esq. and Michael

Turner, Esq., of Huggins Law Firm, LLC, 110 Norcross Street, Roswell, Georgia 30075. Defendant Home-Owners has also filed a written notice with the Superior Court of Gwinnett County, a copy of said notice being attached hereto and made in part hereof.

WHEREFORE, Defendant prays that this case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

Respectfully submitted this 10th day of February, 2023.

**SWIFT, CURRIE, McGHEE & HIERS, LLP**

/s/ Brittney A. Sizemore

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that I have electronically filed and served the foregoing *Notice of Removal* with the Clerk of Court via the CM/ECF e-filing system which will automatically send e-mail notification and service of such filing to counsel of record as follows:

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*Counsel for Plaintiffs*

This 10th day of February, 2023.

**SWIFT, CURRIE, McGHEE & HIERS, LLP**

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